

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff,* § CRIMINAL ACTION NO. 1:19-CR-86  
§  
v. §  
§ JUDGE MICHAEL TRUNCAL  
JOSHUA WHISNEANT, §  
§  
*Defendant.* §

**ORDER ADOPTING REPORT AND RECOMMENDATION DENYING  
DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE**

On July 2, 2020, the Defendant, Joshua Whisneant's, counsel filed a *Petition for Writ of Habeas Corpus* (Dkt. #56), which the court construes as a motion seeking compassionate release. Whisneant contends that he is entitled to a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A) because of the risks associated with COVID-19. On September 15, 2022, the Government filed a response arguing against the Defendant's release. (Dkt. #62.) On October 19, 2023, the court referred the motion to United States Magistrate Judge Zack for review, hearing, and submission of a report with recommended findings of fact and conclusions of law. (Dkt. #65); *see also United States v. Rodriguez*, 23 F.3d 919, 920 n.1 (5th Cir. 1994); 18 U.S.C. § 3401(i) (2000); E.D. TEX. CRIM. R. CR-59. Judge Hawthorn issued a report recommending denying Whisneant's motion as moot because he has completed his term of imprisonment and is already serving his term of supervised released. Neither party objected to the Report and Recommendation.

The court concludes that the magistrate judge's findings, conclusions, and analysis are correct. Therefore, the report of the magistrate judge (Doc. #66) is ADOPTED. It is further ORDERED that the Defendant's motion (Doc. #56) is DENIED as MOOT.

SIGNED this 7th day of December, 2023.



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Michael J. Truncale  
United States District Judge